

# Self-Direction of HCBS – Part 1

Overview of self-direction of HCBS in-home services and the resources available to support your choices as you self-direct.

# Presenters

- Deone Wilson – Resource Center for Independent Living (RCIL)
- Becky Brewer – RCIL
- Audrey Schremmer – Three Rivers Inc.

# Self-Direction

**From Philosophy to Law**

**Presented by Audrey Schremmer**



# Philosophy of Self Direction

*“Independent living is NOT doing things by yourself. It is being in control of how things are done.”*



*Judy Heumann*

# *Philosophy... Who better than you..*

...can decide how you want your care provided?

...determines when you want to bathe, eat, go to bed etc.

...should decide who provides personal hygiene assistance

...can decide what you want to have for lunch, dinner, breakfast, second breakfast... 😊



# Self Direction

- Self-direction is a management tool that supports a person with a disability to be in charge of, and responsible for, the personal assistance services they receive.
- You can direct your personal assistant services yourself or you can select someone you trust to direct services on your behalf.



# HB 2012 passed in 1989

- This law did the following:
  - Allowed individuals under the HCBS programs to have the “option” to self-direct their personal assistance services, or to have someone direct services on their behalf.
  - Established an exemption to the nurse practice act concerning the performance of “health maintenance activities.” (if not for their disability they could self-perform the activity)
  - Defined attendant care services.



## Statute: K.S.A. 39-7,100

Sets the rights of individuals, in need of in-home care, who are recipients of attendant care services, and the parents or guardians of minors who are at least 16 years of age and who are in need of in-home care, shall have the right to

- choose the option to make decisions about, direct the provisions of and control the attendant care services received by such individuals including but not limited to, selecting, training, managing, paying, and dismissing of an attendant.



# So What Does all This Mean?

*You have some work to do!*

- Get educated about being an Employer
- Learn about the available resources
- Talk with others who self-direct their care
- Decide if you want to appoint a Self-Direct Advocate to assist you.
- Never stop Learning, being an employer is a big responsibility.

# Client Obligation

Also know as... I got a bill in the mail, what's this for???

To qualify for HCBS you must also qualify for Medicaid insurance.

- A client obligation is a monthly amount you are responsible for paying toward your Medicaid *cost of care* each month. The client obligation is the amount of income in excess of the appropriate **income standard**.

<http://content.dcf.ks.gov/ees/keesm/current/keesm8270.htm>

- **Income Standards** - A standard has been established which is the amount of monthly income protected from medical expenses to allow applicants/recipients to meet their maintenance needs. This standard is \$727/month. This standard is applicable the month HCBS is effective.

<http://content.dcf.ks.gov/ees/keesm/current/keesm8250.htm#8250>

# More about Client Obligations...

- When do I pay a COB? Who do I pay it to?
- If your client obligation is less than your monthly plan of care cost, payment can be made toward the cost of your plan of care and is payable to the Agency you contract with to pay your attendant.
- Payment of your client obligation begins the first month you begin receiving HCBS in home services

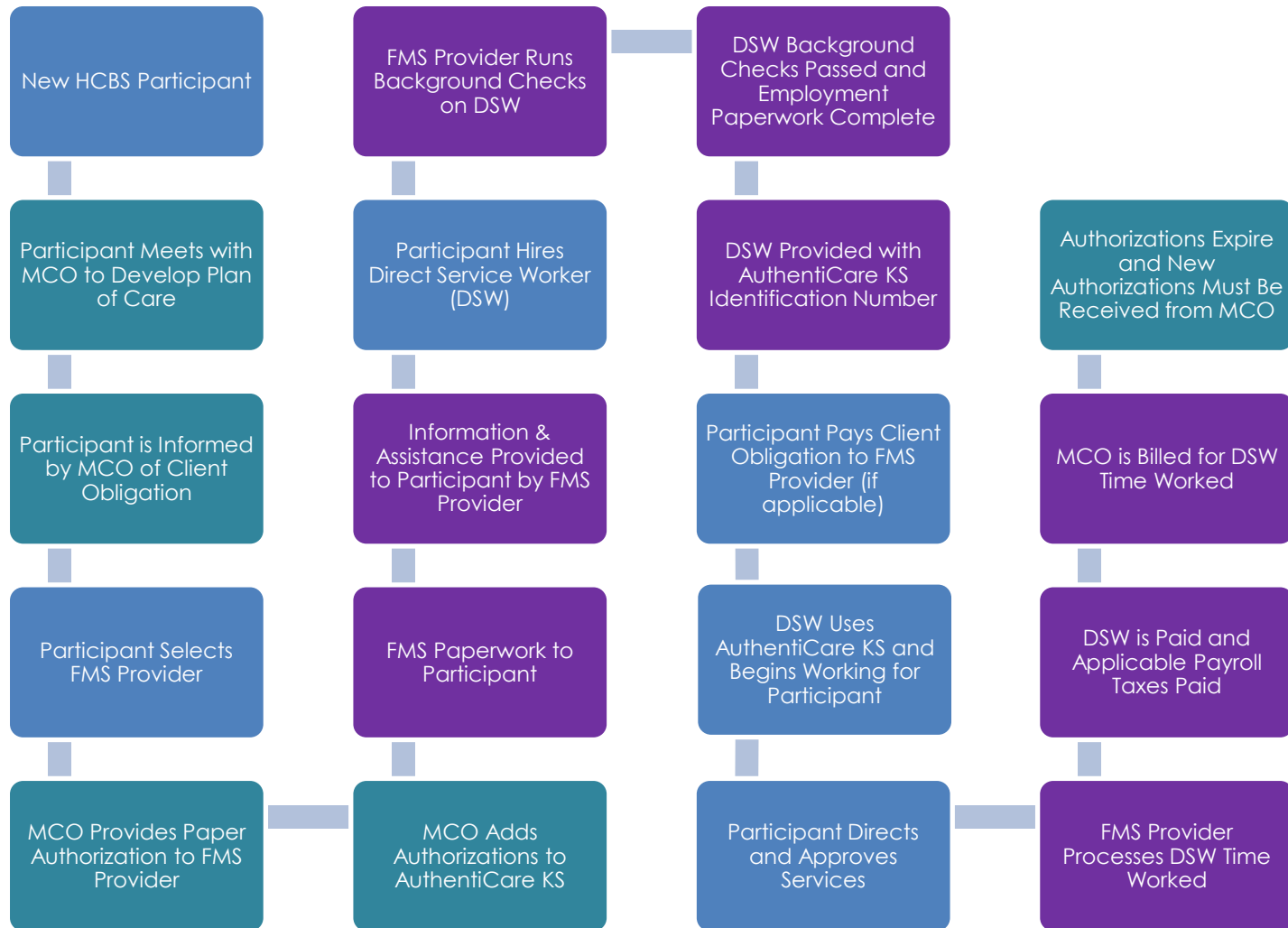
# How does it work?

Kansas Medicaid expects you to pay your client obligation each month. When a Service Provider submits a bill to your Medicaid insurance, the State deducts your Client Obligation from their Medicaid payment.

If you do not pay your COB, the Provider loses money and can't pay your attendant their wages!

# HCBS Flow Chart

## presented by Becky Brewer



# Resources to help you self-direct by Deone Wilson

We are here for you!!

Information and Assistance (I&A)

Contact your Financial Management Services (FMS)  
Provider.

“I need some help to self-direct my services, finding  
a worker, managing my workers, terminating my  
worker,...”

# What is Information & Assistance?

The “technical” definition from the FMS Provider Manual is....

providing information on recruiting and hiring personal care workers, managing workers and providing information on effective communication and problem-solving including providing information to ensure that participants understand the responsibilities involved with directing their services.

Each FMS provider does this differently! Over the phone, in-person (one on one or in groups), via mail, email, etc.

# Other Resources to

- Self-Direction Tool Kit

[www.self-direction.ks.gov](http://www.self-direction.ks.gov)



# www.self-direction.ks.gov

Browser window showing the website <http://www.selfdirect.ks.gov/Pages/default>. The page title is "Pages - Self Direction Home".

Navigation links: Convert, Select, Suggested Sites, Web Slice Gallery, Free Hotmail, Account Settings, Photos, View.

**Kansas**  
Self Directed Services and Individualized Planning

Home | Planning My Life | Planning My Supports | Quality of My Life | Communities | Case Managers & Providers

**Individualized Planning and Self Directed Services**

Are you an individual with a disability? [▶](#)  
Are you a friend or family member of a person with a disability? [▶](#)  
Are you a case manager or provider? [▶](#)  
Are you a member of a community? [▶](#)

Calendar  
FMS Information  
Forms KPASS-Toolkit  
Self Direction Tools  
Success Stories  
Share Your Story  
Get Involved  
Frequently Asked Questions

**Individualized Planning and Self Directed Services**

The State of Kansas administers Home and Community Based Services (HCBS) for individuals with disabilities. These programs allow the state to use Medicaid funding for long-term care services provided in community based settings, rather than in an institutional setting.

Many of these services can be self-directed. Customers that choose to self-direct their services are responsible for hiring, training, and supervising their own caregivers and support staff. Self-directing Personal Care Assistance and other services provides greater independence and satisfaction with services. This website is devoted to helping people learn about, improve their ability to plan for and manage those services.

[History of Self Direction in Kansas](#)

Search this site... [🔍](#)

**Success Story**

  
Watch the video or read the transcript  
Allison Talks about Self Directing her Home and Community Based Services 3-30-2011

**Frequently Asked Questions**

Question: If we provide I&A tasks but no FMS tasks for attendant care services, can we bill FMS?

Browser window showing the URL: <http://www.selfdirect.ks.gov/Pages/Forms>. The page title is "Pages - Forms\_TableofConte...".

Navigation links: Home, Search this site..., Suggested Sites, Web Slice Gallery, Free Hotmail, Account Settings, Photos, View.

Left sidebar menu:

- Are you an individual with a disability?
- Are you a friend or family member of a person with a disability?
- Are you a case manager or provider?
- Are you a member of a community?
- Calendar
- FMS Information
- Forms KPASS-Toolkit
- Self Direction Tools
- Success Stories
- Share Your Story
- Get Involved
- Frequently Asked Questions
- Resources
- Contacts
- Print Page

Main content area:

## Self-Direction Forms (K-PASS Toolkit)

### Developing Your Job Description

- [Job Description Planning Worksheet for 4 Life Areas](#)
- [K-PASS Job Description Development Toolkit](#)
- [Finding the Right Personal Assistant - Personal Preferences](#)
- [Personal Assistant Job Description Worksheet](#)

### Recruiting Your Personal Assistant

- [Recruiting Your Personal Assistant - Job Application](#)
- [Employment History](#)
- [Place An Add in the Newspaper](#)
- [Interview Checklist](#)
- [Interview Information](#)
- [Interview Questions](#)
- [Interview Schedule](#)

Bottom status bar: [http://www.selfdirect.ks.gov/Forms%20Library/KPASS/Finding\\_The\\_Right\\_PA.pdf](http://www.selfdirect.ks.gov/Forms%20Library/KPASS/Finding_The_Right_PA.pdf)

- [Interview Schedule](#)
- [Interview Notes](#)
- [Interview Notes with Interview Impressions](#)
- [Calling Former Employers](#)
- [Personal or Employment Reference Form](#)
- [New Hire Training Verification Form - Notebook](#)
- [New Hire Training Verification Form - Video](#)

### Training Your Personal Assistant

- [Personal Assistant Task Planning Worksheet](#)
- [Daily Routine - Full Day](#)
- [Daily Routine - Morning](#)
- [Daily Routine - Afternoon](#)
- [Daily Routine - Evening](#)
- [Personal Assistant Calendar](#)

### Task Scheduling and Planning

## Task Scheduling and Planning

- [Staff Duties - Full Day](#)
- [Staff Duties - Morning](#)
- [Staff Duties - Afternoon](#)
- [Staff Duties - Evening](#)
- [Staff Duties - Overnight](#)
- [Personal Assistant and Night Support Staff](#)

## Time Reporting

- [Calendar](#)
- [Calendar with Notation](#)
- [Payroll Agents](#)

## Evaluating Your Personal Assistant

- [Job Performance Evaluation - Form A](#)
- [Job Performance Evaluation - Form B](#)

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# Questions & Answers

No question is a dumb question

Share your success with Self-Direction!

# Self-Direction of HCBS– Part 2

Come back to this room at 2:00 today

- Recruiting, screening, interviewing, hiring, training and managing Direct Support Workers
- Emergency back-up planning
- Abuse, neglect and exploitation.

# Self-Direction of HCBS Part2

- Deone Wilson – Resource Center for Independent Living (RCIL)
- Becky Brewer – RCIL
- Audrey Schremmer – Three Rivers Inc.



# Self-Direction of HCBS– Part 2

- Recruiting, screening, interviewing, hiring, training and managing Direct Support Workers
- Emergency back-up planning
- Abuse, neglect and exploitation.



Due to his grammar mistake, Wilbur found a position. It just wasn't the one he wanted.

# Writing a Job Description

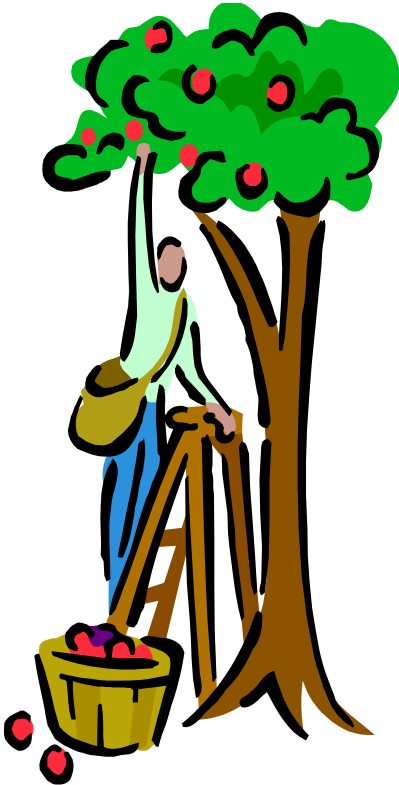
presented by Deone Wilson

- Make sure that you employ the right DSW that
  - Determine your needs and then develop a job description, to screen and interview potential employees and to train your new DSW.
  - Your Plan of Care is a great place to start!
    - Include all of the approved activities
  - Lifting Requirements
  - Work Schedule Options
  - What else?
- \*\*Sample worksheet in packet**

# Recruiting & Pre-Screening

presented by Deone Wilson

I need to hire a Direct Support Worker!



- Call your FMS provider. They have lists of potential workers in your area.
- Let friends and family know.
- Run an ad
- What some good ways that you have used to find DSWs?

# Writing an Advertisement

Things that make the job appealing:

- Flexible hours
- Interesting person to work with
- Great location
- Rewarding work
- Good experience

Important information to include:

- Hours of work or # of hours
- Pay
- General location (Do not give out your home address!)
- Phone number (yours or a friend's) to call or P.O. Box

# Applications

Why Use a Job Application? Very helpful!

- Helps you to pre-screen applicants - Consider having the applicant fill out the application and give it to you before the interview, if possible, to help you pre-screen/know more about them before the interview.
- Gives you a chance to have written information you can look at later.
- Shows the potential DSW you are organized and in control of your situation.
- It may assist in screening out applicants who did not realize the details that go into this kind of job.
- A job application may also discourage those with questionable motives when they realize you have some standards and expectations that need to be met. It can prevent abuse from the beginning by letting the applicant know you are aware of the potential for that type of situation; and that you are on the look out for it and will not tolerate it.
- Remind all applicants that all of the listed employers and personal references may be contacted unless you have agreed otherwise. For example, applicants may not want you to contact their current employer. In this case, the applicant should provide a comparable employment reference for you to contact.

Find out from your FMS provider if there is a required form or if you will need to create your own job application. Sample in packet.



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# Interviewing and Hiring Your Direct Service Worker\*

\*Adapted from the KANSAS Personal Assistance Supports and Services (K-PASS) Self-Direction Tool Kit

# Interviewing

- Face-to-Face Interview – Benefits



- ❖ Gives you the opportunity to learn as much as you can about the person who is applying for the job
- ❖ Gives the applicant information about the job requirements
- ❖ You can obtain your first impression of the applicant



# Interviewing



- Face-to-Face Interview – Safety

- ❖ Be safe!

- ❖ Hold the interview in a location that is safe for you

- Local Church
    - Community Library
    - Restaurant
    - Apartment Building Commons Area

- ❖ Invite a friend or family member to accompany you

- Help alleviate safety concerns
    - They may notice things during the interview you do not

# Interviewing



- First impressions are important!

❖ Show that you are a capable individual who is able to direct your own services.



# Interviewing – Be Prepared

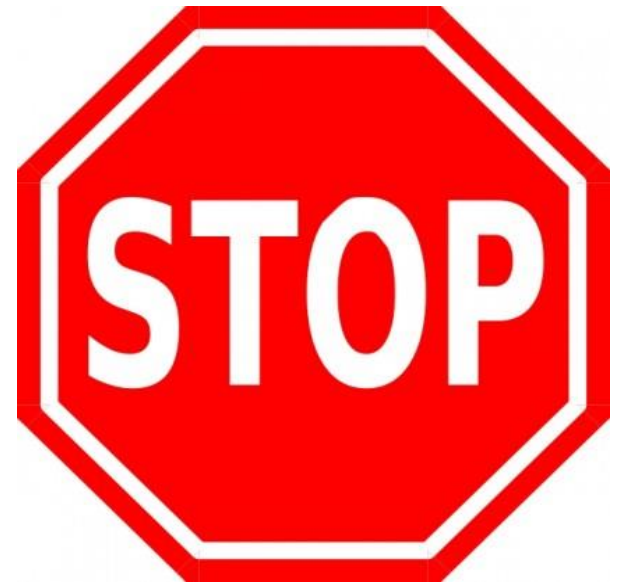


- Before the interview, make sure you have:
  - Prepared a Job Description
  - Prepared a list of written interview questions
  - Information about your needs or your disability
  - Information about special equipment you use
  - A way to record the applicant's answers and your impressions
  - Make sure you know the questions are legal to ask



# Interviewing – Questions You Cannot Ask In An Interview

- How old are you?
- What is your native language?
- Are you married?
- Do you have any children?
- Have you ever been arrested?
- Do you belong to any religious affiliations?
- Do you belong to any clubs or organizations?
- What is your credit rating?
- Do you own or rent your home?
- Do you own a car?
- What country were you born in?
- Do you have any addictions?
- What is your star sign?
- Do you have a disability or medical condition?
- What is your political affiliation?
- What are your family members' names?
- What is your race?
- Where are your family members employed?



# Interviewing-Questions You Could Ask

Below are some sample questions. You may want to pick some that fit your situation:

- Tell me a little about yourself.
- Tell me about your experience working with people with disabilities.
- What do you like best and least about the work you have done in the past?
- Are you comfortable using durable medical equipment?
- Do you feel comfortable assisting with bowel/bladder routines or bathing?
- I need a driver with a clean driving record. Will there be any problems when my insurance company runs your driving record?
- Can you cook? What is your favorite dish to cook? Tell me how you make (fried chicken)?
- Are you able to think and respond quickly to situations? Give me some examples.
- How do you handle differences of opinion with an employer? Can you give me an example?
- How do you handle constructive criticism? Can you give me an example?
- How do you deal with another person's anger or frustration?
- Do you have experience driving a full-sized van with a high top? A vehicle with a stick shift?
- Do you have experience with city or long-distance driving?
- Do you prefer/require lots of supervision, or just a task list?
- Have you ever been fired from a job? If so, why?
- Do you have any questions/concerns about the job?
- Is there anything on my list of duties you cannot provide?
- If selected for this position, when could you start work?

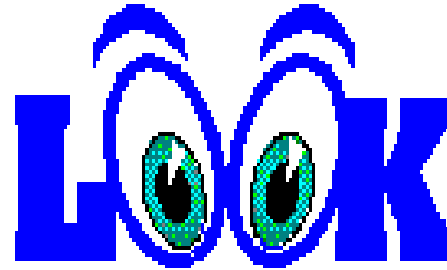


# Interviewing-When the Applicant Arrives

- Find out as much as you can about each applicant.
- You will be making a decision based on just a few contacts, reference and background checks.
- Your health, safety and well-being are dependent upon the choice you make.



# Interviewing-When the Applicant Arrives



Check them out –

- Do they look neat, clean and presentable?
- Do they seem comfortable around you?
- Do you feel comfortable around them?

# Interviewing



Have a conversation about their past work experience.

- What are their employment patterns? Are there frequent job changes?
- Do you notice any gaps in employment (any time period of over one or two months)? If so, ask for more details. Are they elusive or do they dodge questions about their education or former employers?



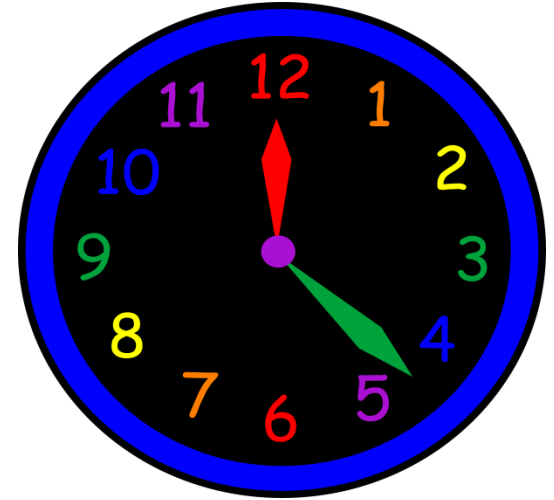
# Interviewing

- Explain your needs or disability – as far as you feel comfortable
- Give information that would be important for your DSW to understand if she/he were assisting you
- Review the duties on your Job Description
- Ask the interview questions
- Ask them if they have any questions for you

# Interviewing

Be sure to discuss:

- Duties and responsibilities of the job
- Specific hours and days of work
- Arranged time off
- How the Direct Service Worker will be trained
- How their performance will be evaluated
- How complaints/concerns will be handled
- How much notice is expected from the DSW and employer for termination of services
- Whether the working relationship will be formal or informal
  - ❖ A formal working relationship might mean you prefer a set schedule of when your DSW comes to work and a set list of tasks
  - ❖ An informal working relationship might mean that when your DSW arrives you will have decided their schedule for the day



# Interviewing-Things to Look Out For



An applicant who:

- Is rude
- Is late
- Discloses confidential information about previous employer(s)
- Takes control of the interview
- Expresses sympathy, being overly considerate or hypersensitive
- Smells of alcohol
- Has greasy hair and dirty fingernails
- Makes little eye contact (keep in mind it might mean the person is shy or from a culture that too much eye contact is disrespectful)
- Begins the interview by telling you all the things he/she cannot do or all the times he/she cannot work
- Has no references (even someone who just moved here should have friends or previous employers elsewhere)
- Says he/she just really needs a job and will take anything for now
- Looks to the non-disabled person in the room for instructions and approval

# Check References



- Employment contingent on reference checks
  - ❖ You can offer the job to your top applicant but tell them the offer is only available after satisfactory reference and background checks.
- You should always check references of someone you are planning to hire, even if you think you know the person well.
- Check employment and personal references
- NEVER hire someone before checking their references

# Check References

- Compare reference responses to the applicant's information
- Refer back to the notes you made during the interview
- Look for any differences in the information you received from the applicant and the information provided by their reference





# Background Checks

- Check with your FMS Provider to see what background checks are completed for your DSWs
- Background check requirements currently vary for the different waivers
- You may request a criminal background check be performed if it is not included in those background checks mandatory for your waiver
- Proposed waiver amendments contain much more comprehensive background check requirements for all waivers

# Complete Necessary Paperwork

- After an offer has been made to the DSW and accepted, all of the necessary paperwork must be completed before your DSW can begin work.
- Check with your FMS Provider to obtain the paperwork their agency requires.



# Training Your Direct Support Worker

## Presented by Audrey Schremmer

- Unless you hired a mind reader for a worker, you will need to provide training in order for your worker to perform tasks the way you want them done.



# Train for Success

## Rights and Responsibilities

- Respect & Honesty
- Tools/Equipment to do the job
- Confidentiality
- Advance Notice of Changes
- Be Timely
- Work in Safe environment
- Complete work as directed
- Track work time on calendar AND
- Use phone to clock in and out for every shift

# Tools for Training

## Develop Policies

- Smoking in your home?
- Does your worker get a meal break? Can they keep food in your cupboard or fridge?
- Workers should not eat your food
- Workers should not bring children or pets to your home

- Safety procedures for Workers, use of gloves, never stand on a chair...
- Inform workers they can't get paid to do tasks that aren't part of your plan of care

It's your home but it's also now a work place. Don't be afraid to set rules!

# Tools to assist you

## Training Manuals

- Write “How to” procedures for your Worker
- Develop a training video for more complex services like lifting and transferring

## Avoid Workplace Injuries

- Develop safety procedures, use of gloves, proper lifting, never use a chair as a step stool etc.
- Train workers thoroughly before asking them to assist in physical tasks such as bathing, or transferring

# Managing your Direct Service Worker

Prepare  
for  
~~Stress!~~  
Success!



# Managing Your Direct Service Worker (DSW)

## Six Basic Issues

- Being Assertive
- Supervising Others
- Keeping Your DSW
- Resolving Conflict
- Evaluating Performance
- Terminating  
Employment

# Managing Your DSW

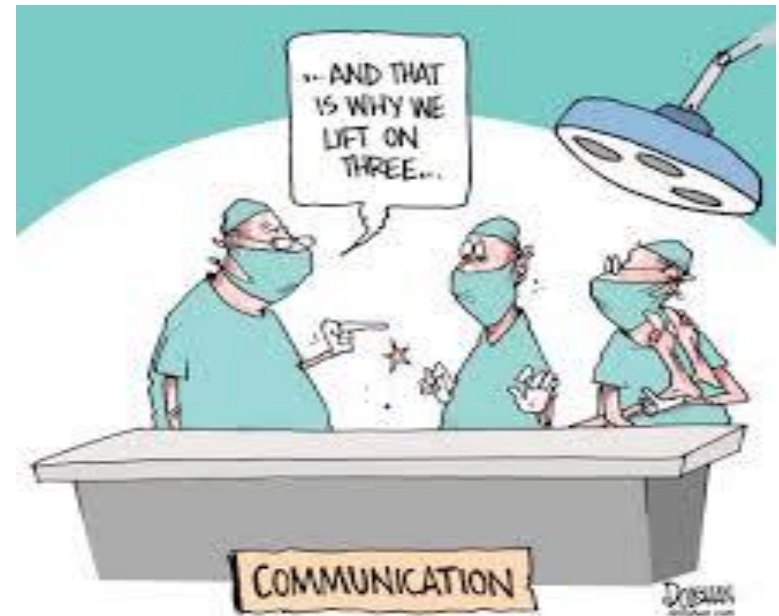
## Being Assertive

- Speak Up for Yourself
- Explain Your Needs
- Explain Rules and Consequences
- Direct Your DSW in a Clear, Patient Way

# Managing Your DSW

## Supervising Others

- Good Communication Skills
- Create a Positive Relationship
- Work Together
- Set a Schedule



# Managing Your DSW

## Supervising Others



Communicate and create a positive relationship with your DSW:

- Be clear when giving directions, job duties and expectations
- Be respectful when giving feedback
- Explain the work rules clearly
- Explain the consequences of breaking the work rules
- Set a schedule that is agreeable to both you and the DSW





# Managing your DSW

## Supervising Others



What might some of the “work rules” be:

- How many times can a DSW be tardy or absent
- How and when you should be notified if they are unable to work
- Trading shifts with another DSW
- Cell phone use during work time
- Breaks (coffee, smoke) how often and how long
- Smoking in your home – outside your home?



# Managing Your DSW

## Keeping Your DSW

- Communicate!
- The Golden Rule
- Know Your Own Needs
- Remain Professional
- Show a Personal Interest



# Managing Your DSW

## Resolving Conflict

- Identify and Define the Problem
- Generate Solutions
- Discuss, Evaluate, Choose Solution
- Plan Actions
- Evaluate Progress of Solution





“Kind of concerned with your performance  
as Conflict Resolution Manager.”

# Managing your DSW

## Resolving Conflict

If you have a conflict over duties, pay, time off, social conduct or use of property, remind your DSW of your agreement. If they refuse to comply with the rules, be prepared to have them replaced.



"I get so tired of jousting with that guy."

# Managing Your DSW

## Discipline

What is discipline?

It can be:

- a way to correct your DSWs work
- how you remind your DSW of things they are forgetting
- A way to warn your DSW that a repeated habit or action is becoming a problem





# Managing Your DSW

## Discipline

- Have a Process
- Document Instances
- Use Problem Solving Process
- Be Fair and Consistent



# Managing Your DSW

## Discipline

Many employers use a 3-step process called progressive discipline. Progressive discipline is defined as an order of events used to correct the action of employees. Progressive discipline includes:

- First, a verbal warning
- Second, a written warning
- Third, job termination



# Managing Your DSW



## Evaluating DSW Job Performance

- Set a Schedule
- Discuss Strengths and Areas for Improvement
- Review Job Description and Expectations
- Allow DSW to Respond / Explain
- Use Written Documentation

# Managing Your DSW

## Evaluating DSW Job Performance

- Performance evaluations are a good way to keep both you and the DSW on track when it comes to defining roles and responsibilities of the working relationship
- Provide your DSW with regular, positive, constructive feedback
- It's up to you to decide when and how often to evaluate your DSW's job performance
- Some prefer to review their DSW's job performance after the first 6 months of initial employment. This allows you to make some adjustments, if needed, and then follow up at one year and yearly.



# Managing Your DSW

## Evaluating DSW Job Performance

To evaluate your DSW's job performance:



- Compare your DSW's actual work to the list of job duties you agreed to when both of you signed the job description
- Go over the job description again and review your expectations for the DSW
- Give positive feedback as well as areas for improvement
- Allow the DSW an opportunity to explain his/her performance
- Evaluate the performance in writing and give a copy to your DSW
- Be honest with your DSW about his/her work.
- If needed, give clear instruction for improvement
- Tell your DSW that the performance evaluation is a way for you both to work toward improved job performance, not an entitlement for a raise in pay

# Managing Your DSW

## Terminating Employment

### Things to Consider:

- Plan Ahead
- Be Safe
- Be Considerate?



# Managing Your DSW

## Terminating Employment

You should terminate employment immediately if your DSW has:

- Stolen something from you
- Been abusive physically or mentally
- Severely violated your agreement

Any actions that are against the law should also be reported to the police.



# Managing Your DSW

## Terminating Employment

Remember to:

- Notify Payroll
- Complete Departure Form
- Keep Written Records
- Have Keys or Other Property Returned





# Managing Your DSW

## Appointing a Designated Representative

- As the employer, you may choose to select someone to be your Designated Representative.
- A Designated Representative is someone you choose to make determinations on your assessed care needs such as hiring, firing, monitoring, training and managing your Direct Service Workers.
- The Designated Representative cannot also be the participant's Direct Service Worker.
- A copy of the signed form appointing a Designated Representative or cancelling the appointment of your Designated Representative must be provided to the FMS provider and the Managed Care Organization (MCO).
- Use a great deal of consideration when choosing a Designated Representative to direct your services.



# Credits



Parts of this presentation were adapted from the KANSAS Personal Assistance Supports and Services (K-Pass) Self-Direction Tool Kit and the RCIL Self-Direction Toolkit Training

# Emergency Backup Planning presented by Deone Wilson

- Work with your Managed Care Organization Care Coordinator to develop a plan
- Very wise to have a back-up workers in-place

# Abuse, Neglect, Exploitation

presented by Becky Brewer





# ABUSE



Physical  
Sexual  
Emotional

**LOVE**  
**IS NOT**  
**ABUSE**



# ABUSE



Any act or failure to act performed intentionally or recklessly that causes or is like to cause harm, including:

- Infliction of physical or mental injury
- Sexual abuse
- Unreasonable use of physical or chemical restraint
- Isolation or medication
- Threat or menacing conduct
- Fiduciary abuse
- Omission or deprivation by a caretaker or another person of goods or services which are necessary to avoid physical or mental harm or illness

- K.S.A 39-1430

# Fiduciary Abuse



A situation in which any person who is the caretaker of, or who stands in a position of trust to, an adult, takes, secretes, or appropriates their money or property, to any use or purpose not in the due and lawful execution of such person's trust.



# NEGLECT

Neglect by others

Self- neglect

Abandonment







# NEGLECT

The failure or omission by one's self, caretaker or another person to provide goods or services which are necessary to ensure safety and well-being and to avoid physical or mental harm or illness.

# EXPLOITATION



Financial





# EXPLOITATION

Taking unfair advantage of an adult's physical or financial resources for another individual's personal or financial advantage by the use of undue influence, coercion, harassment, duress, deception or false representation.



# Report, Report, Report

If you believe you have been abused, neglected or exploited, or know someone you suspect may have been, report it immediately to:

- Your FMS Provider
- Your Managed Care Organization
- Any Mandated Reporter (K.S.A. 39-1431)
- Kansas Adult Protective Services or Child Protective Services at **1-800-922-5330**



# **Unhappy with decisions made by others about your HCBS?**

- **You have rights! Complaints, Grievances, Appeals, State Fair Hearings, Oh my! – Process information in packet**
- **KanCare Ombudsman brochure – in packet**
- **Kansas Client Assistance Program Brochure – in packet**

# Questions & Answers

# Thank you!



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